

**CITY OF CANANDAIGUA  
ZONING BOARD OF APPEALS  
COURT ROOM, CITY HALL  
June 15, 2016**

PRESENT:            Ryan Akin, Chair                            Andrew Cotter  
                         Michelle Albrecht, Vice Chair                James Hitchcock  
                         Joseph Bader Andrew Cotter                Dwight Symonds

ABSENT:            Lloyd Peterson

ALSO PRESENT:    Richard E. Brown, Zoning Officer

**CALL TO ORDER:**

Chairperson Akin called to order the regular meeting of the Zoning Board of Appeals at 7:00 P.M.

**APPROVAL OF MINUTES:**

Chairperson Akin asked if anyone had any corrections or additions to the Regular Meeting Minutes of May 18, 2016. Mr. Bader made a correction. Mr. Cotter moved to approve the minutes as corrected. Mr. Bader seconded the motion, which carried by voice vote (6-0).

**REVIEW OF APPLICATIONS:**

**ITEM 1**            Application #16-146: 699 South Main Street, MACRI'S DELI & CAFÉ, requesting an Area Variance necessary to display an additional freestanding commercial flag. Pursuant to §850-75 (Sign Schedule) of the Zoning Ordinance of the City of Canandaigua, only one freestanding, commercial flag per business is permitted. As there is already a freestanding flag approved for this business, the applicant seeks a variance for an additional flag.

Frank Macri presented the application. He said he would like to display a second flag, similar to the one he has approval for. These are placed on an island in the parking lot and he thinks the two flags give a more balanced appearance and together help screen the loading dock.

Chairperson Akin opened the public hearing. There were no speakers present and Chairperson Akin closed the public hearing.

Mr. Brown read into the record the standard Administrative Review from the Ontario County Planning board for sign variances on state or county roads.

*Policy AR-7: Signs*

*The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified the following roads as primary travel corridors for tourists visiting Ontario County. The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.*

*Applications for signs located on property along the listed roads that do not comply with local limits on size and or number.*

*Findings:*

- 1. The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.*
- 1. Protection of the community character along these corridors is an issue of countywide importance.*
- 2. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.*
- 3. It is the position of this board that the proposed signage is excessive.*
- 4. Excessive signage has a negative impact on community character.*

*Final Recommendation – Denial*

The board proceeded with questions to the applicant. Chairperson Akin reminded the Board to keep in mind that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Cotter said he did not think flags were detrimental to the character of the area.

Ms. Albrecht said that one flag would not be a problem, but she did see how this could be a concern if every business put out two flags. It would look very cluttered.

Mr. Hitchcock agreed and said that at some point the number of flags might become undesirable.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Chairman Akin suggested that a single, large flag might achieve the benefit (40 SF is permitted by code), but he thought that would actually be less desirable aesthetically.

Regarding question #3: *Show that the requested variance is not substantial.*

Chairman Akin pointed out that on one hand it is an increase of 100% over what is allowed, but on the other hand the request is only for one additional flag.

Mr. Bader said he did not believe this request was substantial with regard to the overall impact on the district.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Chairman Akin said he saw no adverse physical impact.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Mr. Hitchcock said he felt the hardship was self-created. Chairman Akin agreed.

Mr. Symonds said the building is quite far from the road and therefore the hardship is not self-created.

Chairman Akin called for a motion.

Ms. Albrecht for **approval** of the variance, finding that the benefit of the variances to the applicant outweigh the detriment of the variance to the neighborhood for the following reasons;

- #1 The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #2 The benefit sought by the applicant cannot be achieved by other feasible means that do not require a variance;
- #3 The variance is not substantial, based on the conditions of the site.

Mr. Cotter seconded the motion, which ***carried*** with a roll call vote of 6-0:

Michele Albrecht	Voting	YES
James Hitchcock	Voting	YES
Dwight Symonds	Voting	YES
Andrew Cotter	Voting	YES
Lloyd Peterson	Absent	
Joseph Bader	Voting	YES
Ryan Akin	Voting	YES

**ITEM 2**      **Application #16-149: 249 Pleasant Street, JAMES AND BECKY MILLIMAN, requesting an Area Variance necessary to construct a second-story addition over the existing first story located 2.3 feet from the property line. In accordance with Zoning Schedule 1 of the Municipal Code of the City of Canandaigua, the minimum side yard setback is 8 feet. Therefore, the applicant requests a variance of 5.7 feet.**

James Milliman presented the application. He said they have been working with an architect to add three bedrooms to their existing home.

Chairperson Akin opened the public hearing. There were no speakers present and Chairperson Akin closed the public hearing.

The board proceeded with questions to the applicant. Chairperson Akin reminded the Board to keep in mind that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Bader said he saw no negative impact.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Mr. Cotter said that without a larger lot there were no other options.

Regarding question #3: *Show that the requested variance is not substantial.*

Chairman Akin said that because the first floor is already in the setback, adding a second floor did not seem to be a substantial change.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Chairman Akin said that since the footprint was not expanding he did not see an adverse environmental impact.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Mr. Cotter said the hardship was related to the lot size, not an act of the homeowner.

Chairman Akin said it was the homeowner that desired the addition.

Chairman Akin called for a motion.

Ms. Bader for ***approval*** of the variance, finding that the benefit of the variances to the applicant outweigh the detriment of the variance to the neighborhood for the following reasons;

- #1 The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #2 The benefit sought by the applicant cannot be achieved by other feasible means that do not require a variance;
- #3 The variance is not substantial, based on the conditions of the site.
- #4 The variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Ms. Albrecht seconded the motion, which ***carried*** with a roll call vote of 6-0:

Joseph Bader	Voting	YES
Andrew Cotter	Voting	YES
Lloyd Peterson	Absent	
Michele Albrecht	Voting	YES
James Hitchcock	Voting	YES
Dwight Symonds	Voting	YES
Ryan Akin	Voting	YES

**ADJOURNMENT:**

Ms. Albrecht moved to adjourn the meeting at 7:28 P.M., seconded by Mr. Bader and carried with a voice vote (6-0).

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Richard E. Brown, Secretary

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Ryan Akin, Chairperson